

Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 135

## **HOUSE BILL 2375**

AN ACT

AMENDING TITLE 8, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-422; AMENDING TITLE 13, CHAPTER 40, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-4442; RELATING TO CRIME VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 3, article 7, Arizona Revised Statutes, is  
3 amended by adding section 8-422, to read:

4 8-422. Use of a facility dog in court proceedings; definition

5 A. THE COURT SHALL ALLOW A VICTIM WHO IS UNDER EIGHTEEN YEARS OF AGE  
6 TO HAVE A FACILITY DOG, IF AVAILABLE, ACCOMPANY THE VICTIM WHILE TESTIFYING  
7 IN COURT. A PARTY SEEKING THE USE OF A FACILITY DOG MUST FILE A NOTICE WITH  
8 THE COURT THAT INCLUDES THE CERTIFICATION OF THE FACILITY DOG, THE NAME OF  
9 THE PERSON OR ENTITY WHO CERTIFIED THE DOG AND EVIDENCE THAT THE FACILITY DOG  
10 IS INSURED.

11 B. THE COURT MAY ALLOW A VICTIM WHO IS EIGHTEEN YEARS OF AGE OR MORE  
12 OR A WITNESS TO USE A FACILITY DOG.

13 C. TO ENSURE THAT THE PRESENCE OF A FACILITY DOG ASSISTING A VICTIM OR  
14 A WITNESS DOES NOT INFLUENCE THE JURY OR IS NOT A REFLECTION ON THE  
15 TRUTHFULNESS OF ANY TESTIMONY THAT IS OFFERED BY THE VICTIM OR WITNESS, THE  
16 COURT SHALL INSTRUCT THE JURY ON THE ROLE OF THE FACILITY DOG AND THAT THE  
17 FACILITY DOG IS A TRAINED ANIMAL.

18 D. FOR THE PURPOSES OF THIS SECTION, "FACILITY DOG" MEANS A DOG THAT  
19 IS A GRADUATE OF AN ASSISTANCE DOG ORGANIZATION THAT IS A MEMBER OF AN  
20 ORGANIZATION OR ENTITY WHOSE MAIN PURPOSE IS TO IMPROVE THE AREAS OF  
21 TRAINING, PLACEMENT AND UTILIZATION OF ASSISTANCE DOGS, STAFF AND VOLUNTEER  
22 EDUCATION AND TO ESTABLISH AND PROMOTE STANDARDS OF EXCELLENCE IN ALL AREAS  
23 OF ASSISTANCE DOG ACQUISITION, TRAINING AND PARTNERSHIP.

24 Sec. 2. Title 13, chapter 40, Arizona Revised Statutes, is amended by  
25 adding section 13-4442, to read:

26 13-4442. Use of a facility dog in court proceedings; definition

27 A. THE COURT SHALL ALLOW A VICTIM WHO IS UNDER EIGHTEEN YEARS OF AGE  
28 TO HAVE A FACILITY DOG, IF AVAILABLE, ACCOMPANY THE VICTIM WHILE TESTIFYING  
29 IN COURT. A PARTY SEEKING THE USE OF A FACILITY DOG MUST FILE A NOTICE WITH  
30 THE COURT THAT INCLUDES THE CERTIFICATION OF THE FACILITY DOG, THE NAME OF  
31 THE PERSON OR ENTITY WHO CERTIFIED THE DOG AND EVIDENCE THAT THE FACILITY DOG  
32 IS INSURED.

33 B. THE COURT MAY ALLOW A VICTIM WHO IS EIGHTEEN YEARS OF AGE OR MORE  
34 OR A WITNESS TO USE A FACILITY DOG.

35 C. TO ENSURE THAT THE PRESENCE OF A FACILITY DOG ASSISTING A VICTIM OR  
36 A WITNESS DOES NOT INFLUENCE THE JURY OR IS NOT A REFLECTION ON THE  
37 TRUTHFULNESS OF ANY TESTIMONY THAT IS OFFERED BY THE VICTIM OR WITNESS, THE  
38 COURT SHALL INSTRUCT THE JURY ON THE ROLE OF THE FACILITY DOG AND THAT THE  
39 FACILITY DOG IS A TRAINED ANIMAL.

40 D. FOR THE PURPOSES OF THIS SECTION, "FACILITY DOG" MEANS A DOG THAT  
41 IS A GRADUATE OF AN ASSISTANCE DOG ORGANIZATION THAT IS A MEMBER OF AN  
42 ORGANIZATION OR ENTITY WHOSE MAIN PURPOSE IS TO IMPROVE THE AREAS OF  
43 TRAINING, PLACEMENT AND UTILIZATION OF ASSISTANCE DOGS, STAFF AND VOLUNTEER  
44 EDUCATION AND TO ESTABLISH AND PROMOTE STANDARDS OF EXCELLENCE IN ALL AREAS  
45 OF ASSISTANCE DOG ACQUISITION, TRAINING AND PARTNERSHIP.

1           Sec. 3. Intent

2           It is the intent of the legislature to protect the right of crime  
3 victims to be treated with fairness, respect and dignity and to be free from  
4 intimidation, harassment or abuse throughout the criminal justice process.  
5 The legislature finds that crime victims in this state have a constitutional  
6 right to justice and due process, to be treated with fairness, to restitution  
7 and to have all rules governing criminal procedure protect victims' rights  
8 and to have these rules be subject to amendment or repeal by the legislature  
9 to ensure the protection of these rights. Further, the legislature has the  
10 constitutional authority to enact substantive and procedural laws to define,  
11 implement, preserve and protect the rights guaranteed to victims. Section  
12 13-4442, Arizona Revised Statutes, as added by this act, is enacted pursuant  
13 to these rights and this constitutional grant of authority.

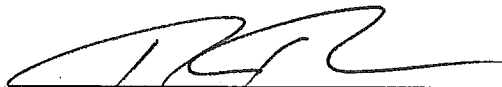
APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

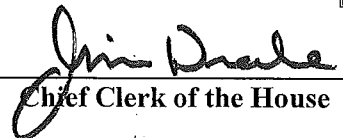
Passed the House February 4, 2016

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

  
Speaker of the House

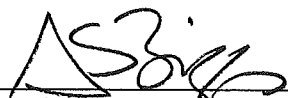
☒ Pro Tempore

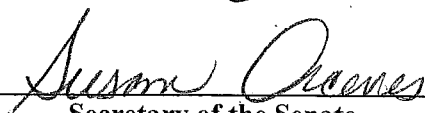
  
Chief Clerk of the House

Passed the Senate April 13, 2016

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

  
President of the Senate

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2375

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 6, 2016,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2016,

at 9:18 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 11th day of

May, 2016,

at 9:17 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2375

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11th day of May, 2016,

at 9:47 o'clock A. M.

[Signature]  
Secretary of State